

The Modernisation Committee: Who Needs It?

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Abstract

Modernisation has been rhetorically important for the Labour government since 1997, and found a dedicated outlet through the House of Commons Modernisation Committee. This committee has pursued a particular type of modernisation, which this article seeks to explore. It does this by focusing on three particular issues. First, it examines the role of the Leader of the House of Commons in the chair of the Modernisation Committee. Second, it looks at the work of the Modernisation Committee in comparison to that of the Procedure Committee. Finally, it contextualises the discussion of modernisation with reference to the distinction between efficiency reforms and effectiveness reforms, and explores what this reveals about the bifurcated nature of the conceptualisation of the role of the House of Commons and its relationship with the executive.

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Introduction

Modernisation has become the holy grail of British public life over the past decade. Although it is true that almost all governments attempt to portray themselves as engaging with a process that seeks to renew Britain in one way or another, one cannot doubt the zeal with which the Labour Party has embraced the rhetoric of modernisation in recent years. In opposition, the Labour Party modernised itself into New Labour, a rejuvenated movement that was intentionally dazzling to all who beheld it. In power, the Labour Party resolved to modernise public services, government, and much more besides. In this vertiable fever for modernisation, parliament too has been a focus of attention. The House of Lords was largely stripped of its hereditary peerage in 1999. The House of Commons was given its own Modernisation Committee within weeks of the Labour Party coming to power in 1997. This Committee was designed as a panacea for all the problems that were found there and which were obviously embarrassing to any right-thinking moderniser. The task of the Committee was 'to consider how the practices and procedures of the House should be modernised' (HC 190, 1997-1998). Its mission was to chisel away the tired, heavy fossil of procedural foolishness that had for too long encased a lean, modern chamber inside. The goal was for a modernised House of Commons to thereafter play a vital role in securing the modernisation of everything else.

Of course, modernisation of the House of Commons was not the brainchild of the Labour Party alone. Attempts to enhance the procedural efficacy of the chamber have a long-standing pedigree, and procedural adaptation has been most pronounced in response to government complaints about the legislative obstacle course that is (or has been) the House of Commons. The reforms secured in 1902, for example, involved substantial alterations to Commons' procedure in order to increase the occasions on which government business took precedence (Borthwick 1979; Chester 1977; Redlich 1908, vol.1). Other notable moments of procedural modernisation include

1906-07 and 1945-46, when Procedure Committees were appointed to bring forward proposals for ensuring the expeditious dispatch of government business. In 1906, this was in response to an incoming Liberal government with an extensive programme for social reform (Redlich 1908, vol.2; Seaward and Silk 2004; Walkland 1979), while the aim in 1945 was to alter procedures to ensure that post-war reconstruction could proceed as smoothly as possible (Walkland 1979; Morrison 1964).

The creation of the Modernisation Committee in 1997 marks a new phase in the debate over House procedure. There are three central points that this article seeks to explore. First, the Modernisation Committee, although a select committee, is actually chaired by the Leader of the House of Commons. This new role for the cabinet member who is also in charge of securing the government's legislative programme is a significant institutional innovation. Second, the Modernisation Committee has engaged with many of the issues that have in the past been the focus for the Procedure Committee, and the latter committee has, to a degree, been sidelined in the debate over a number of procedural matters. Both these points raise questions about who has been driving modernisation in the House of Commons and for what purposes. This leads to the third central point, that in order to fully understand the nature of the Modernisation Committee and its work, it is necessary to make a distinction between 'modernisation' of the House, which is largely concerned with creating an efficient chamber, and 'reform' of the House, which is focused more upon creating an effective chamber. The distinction between these two terms has profound implications. The rhetoric and practice of modernisation since 1997 underlines the essentially bifurcated conceptualisations of the role of the Commons in terms of its relationship with the executive. Indeed, the modernisation project, and its consequent significance in terms of the efficiency/effectiveness distinction, serves to highlight this fundamental bifurcation. It also demonstrates that, as a direct result of this bifurcation, the process of procedural change helps

illuminate the profound imbalance in executive-legislative relations at Westminster, and the ease with which government can use its position as the dominant actor at Westminster to secure modernisation that serves its own purposes first and foremost. An analysis of the progress of modernisation over the eight years since the Committee was established therefore provides an additional angle on the nature of executive-legislative relations at Westminster.

The role of the Leader of the House

One of the most intriguing aspects of the Modernisation Committee has been the role of the Leader of the House of Commons in its chair. Successive Leaders of the House have attracted both criticism and commendation in terms of their various contributions to the modernisation project. A list of Leaders of the House since 1997 is provided in Table 1. Of particular interest is the way in which different holders of that office have adapted its institutional capabilities. Some have moulded their position inside the Modernisation Committee in order to secure procedural change that largely favours the executive, while others have used that same position to promote change that favours the legislature. The emphasis of each Leader of the House has been determined by their view of the nature of executive-legislative relations at Westminster, and what the respective powers of government and parliament should be. In that respect, given the role of the Leader of the House as the cabinet member charged with securing the government's legislative agenda, it comes as no real surprise that each occupant in the chair of the Modernisation Committee has mainly pursued procedural change that largely benefits the executive. Indeed, the two big themes of the Modernisation Committee since 1997 have been the changes to the sitting hours of the House, and the moves towards legislative programming. Although both these modernisation efforts have their fair share of supporters and opponents, the sheer volume of time that the Committee has spent on them is itself an indication of how

important these changes have been from the viewpoint of the government. In addition, both strands of the modernisation project also help illuminate the perceived role of the Leader of the House inside the Modernisation Committee.

Although the House of Commons was initially supportive of the idea of a Modernisation Committee during the debates that established it in May and June 1997, for some MPs there was an important problem evident in the subsequent arrangements. Concerns about the way in which the reform process would be handled were highlighted by Patrick Cormack, who referred to ‘the essential dichotomy’ at the heart of the reform debate. This dichotomy lay with the dual role of the Leader of the House in the chair of the Modernisation Committee. He noted that the Leader of the House, then Ann Taylor, was ‘in her capacity as a leading Member of the Government, understandably anxious to get government business through ... but to get business through and to have it properly scrutinised ... is a problem’ (HC Debs., vol.294, col.936). In the debate of 4 June 1997, which established the Modernisation Committee, further such concerns were heard, no doubt driven partly by partisanship but highlighting a valuable point nonetheless. Alistair Goodlad, Shadow Leader of the House, for example, argued that, in the time since the initial debate on modernisation on 22 May 1997, it had become clear that ‘to the Government, modernisation may mean changes to the House’s procedures in the interests of government’ (HC Debs., 4 June 1997, vol.295, col.500).

Having the Leader of the House chair the Modernisation Committee is somewhat novel, and certainly goes against the understanding that select committees are there to scrutinise members of the government, not be chaired by one. However, there was always the chance that opposition members would seek to block the election of the Leader of the House into the chair. This possibility became more likely with the increasing level of frustration felt by opposition MPs at the nature of modernisation proposals. Indeed, when, in 2001, Robin Cook replaced

Margaret Beckett as Leader of the House, there was a degree of disquiet that some opposition members of the committee might attempt to prevent his election to the chair. Beckett focused predominantly on legislative programming during her time in the chair, a procedural adaptation that was viewed by many opposition MPs as making it altogether too easy for government to secure its legislation. This raised concerns that the Leader of the House was able too easily to secure proposals from the Modernisation Committee that were perceived as detrimental to the interests of the House of Commons. In his memoir, Cook describes his first formal meeting with the Modernisation Committee, in September 2001:

We had expected the Tories to oppose my taking the Chair on the grounds that a Cabinet minister should not chair a select committee, which should be the prerogative of backbenchers. In the event, Nick Winterton jumped in first and nominated me. (Cook 2003:27)

It is significant that Nicholas Winterton, a Conservative MP, nominated Cook for the chairmanship, in light of the concerns expressed by his party colleagues over Cook's predecessor. Winterton was also chairman of the Procedure Committee, and had a long-standing interest in promoting Commons' reform, partly stemming from an incident in 1992 when his party whips prevented his nomination to the Health Select Committee, which he had previously chaired. Winterton's support of Cook also highlights the commonly held view that Cook was a different kind of Leader of the House to Beckett, a view supported by his record in the chair.

In part, the appointment of the Leader of the House to the chairmanship is itself testament to the generally slow pace of reform inside the Commons and to the desire of the government to ensure that particular types of change proceed in a more accelerated fashion. However, much of the criticism of the role of the Leader of the House since 1997 has been rooted in concerns about whether it is the government or the House of Commons that is benefiting from this accelerated

pace of change. By extension, this prompts questions about who has been driving the modernisation project and for what purposes, and about whose interests the Leader of the House, in the chair of the Modernisation Committee, is promoting.

The course and focus of Commons' modernisation since 1997 demonstrates the extent to which the substance of the committee's reform proposals are directly related to the needs of government, and dependent on the particular predilections of successive Leaders of the House. Ann Taylor's time in the chairmanship suggests a fairly restrictive approach to modernisation. During her year as Leader of the House, the Modernisation Committee looked at issues such as explanatory material for bills (HC 389, 1997-1998), conduct in the chamber (HC 600, 1997-1998) and voting methods (HC 699, 1997-1998; HC 779, 1997-1998). The committee also looked at expediting government business, and conducted a wholesale examination of the legislative process resulting in the initial recommendations for legislative programming (HC 190, 1997-1998). Taylor also presided over the publication of a report aimed at improving Commons' scrutiny of European legislation (HC 791, 1997-1998). Overall, however, Taylor's particular focus left many MPs unsatisfied, particularly those who adopted a more expansive view of the modernisation project. In spring 2002, a series of interviews were conducted with several MPs on the Modernisation Committee, and part of the interview involved probing MPs about their thoughts regarding the role and impact of the respective Leaders of the House. A Labour Modernisation Committee member stated that Taylor had 'lacked the political clout to really drive the agenda forward' (interview, 15 May 2002). Another Labour committee member believed that under Taylor, Commons' reform had been 'tame and mere tinkering', and that its piecemeal nature had limited the impact of the changes (interview, 16 April 2002). Taylor herself accepted that the legislative reforms she had introduced were 'not exactly earth shattering' (HC Debs., 13 November 1997, vol.300, col.1065).

Margaret Beckett arguably prioritised the interests of government well above those of the House of Commons in her approach to modernisation. Beckett was in the chair of the Modernisation Committee during its most divided periods, when it looked at sitting hours changes (HC 60, 1998-1999; HC 719, 1998-1999; HC 954, 1999-2000) and at legislative programming (HC 589, 1999-2000; HC 382, 2000-2001). It is significant that it was not only the House that was divided by these proposals, but the committee itself, with the legislative programming proposals in particular causing a partisan divide during committee deliberations. Beckett was also in the chair when the committee advocated sittings in Westminster Hall (HC 906, 1999-2000), which was to provide an additional forum for those matters, such as select committee reports, that did not always find adequate time on the floor of the Commons. Modernisation Committee members who were interviewed generally were critical of Beckett's time in the chair. They noted that, under her leadership 'we made no progress whatsoever', that the whole process had been 'stalled', and that she 'was not at all convinced of the need for modernisation and nothing was achieved in her reign' (interviews, 23 April 2002, 22 May 2002, 16 April 2002, 15 May 2002). One Conservative member of the Modernisation Committee described Beckett's attitude towards it as 'fairly Stalinist' (HC Debs., 14 May 2002, vol.385, col.688). Indeed, while Beckett was quick to point out that the Westminster Hall proposals were made by committee members themselves (HC Debs., 24 May 1999, vol.332, col.82), it was always clear from the various committee reports that the sitting hour changes and legislative programming reforms, which provoked most controversy, were made at the behest of government.

Robin Cook stands in direct contrast to Margaret Beckett in terms of his focus while Leader of the House. His agreement, in 2001, to examine the perceived failings of the select committee system, and the committee's subsequent report (HC 224, 2001-2002) is consistent with a

reformist outlook. Despite the limited extent of the success enjoyed by that endeavour, the effort nevertheless places Cook on par with the other reforming Leaders of the House in recent decades, such as Richard Crossman and Norman St. John Stevas. Cook used his time in the chair of the Modernisation Committee to look not only at select committee reform, but also to attempt to resolve some of the outstanding problems that had plagued the modernisation project since its emergence in 1997. For example, the report published in September 2002 (HC 1168, 2001-2002) represented a mopping-up operation, particularly in terms of sitting hours and legislative programming. Although Cook adopted a generally consultative approach to modernisation, it is not always clear that this was successful, and the sitting hour changes proposed in that report were only narrowly approved, and never enjoyed much support when implemented. Clearly, even with a reform-minded Leader of the House in charge, there will still be contention regarding the perceived impact of changes to the procedures of the Commons. Nevertheless, Cook enjoyed broad, cross-party support from members of the Modernisation Committee. One member argued that the role of Cook was ‘one of the key dynamics’ to the modernisation process, and described Cook as ‘a different kettle of fish’ to his predecessors (interview, 14 May 2002). Other members believed Cook wished to be remembered by history as a big reformer (interviews, 17 and 22 April 2002). Another argued that Cook did not accept that change was restricted by what had happened in the past, and that he had the political will to make changes to parliamentary structures (interview, 17 April 2002).

Peter Hain might usefully be located as somewhere between Robin Cook and Ann Taylor in terms of his modernisation focus. He revisited scrutiny of EU legislation (HC 465, 2004-2005), and also examined broader issues, such as the way in which parliament connects and communicates with the public (HC 386, 2003-2004). Furthermore, he attempted to apply balm to the angry sore that is the issue of sitting hours reform, attempting to find a compromise position

between the government's desire to have the House end its business earlier and the wish of a significant portion of MPs to continue sitting into the late evening (HC 88, 2004-2005). Both Cook's and (to a lesser extent) Hain's generally consultative approach to these matters contrast with Beckett's. In this respect, the institutional position of Leader of the House can be adapted in quite different ways depending on the particular predilections of the office holder, demonstrating that agents can, within clear limits, affect structure through their adaptation of the rules of the game.

Nevertheless, the pre-occupation of the Modernisation Committee with sitting hours and legislative programming illustrate quite clearly that the modernisation process has not only been geared towards the interests of government, but has also largely been driven by it. The extensive time spent on these two issues, and the comparatively limited time spent on issues of scrutiny, underline that it has been the interests of government that have been pre-eminent within the committee since 1997. This is brought into further relief when the work of the Modernisation Committee since 1997 is contrasted with that of the Procedure Committee before 1997.

The Modernisation Committee and Procedure Committee

The Modernisation Committee has essentially usurped many of the functions of the Commons' Procedure Committee. The terms of reference of both committees are remarkably similar. The Procedure Committee is instructed 'to consider the practice and procedure of the House in the conduct of public business, and to make recommendations'. The Modernisation Committee is instructed 'to consider how the practice and procedures of the House should be modernised, and to make recommendations'. The terms of reference of the Procedure Committee do not specifically use the term 'modernisation', but it is nevertheless the case that modernisation has frequently been the aim of many of its proposals since at least the 1960s. Furthermore, the

Procedure Committee has previously examined many of the issues the Modernisation Committee has focused on since 1997.

For example, the Procedure Committee has examined the possibility of changing House sitting hours and the parliamentary calendar on a number of occasions over the past four decades (HC 153, 1966-1967; HC 356, 1967-1968; HC 491, 1974-1975; HC 588, 1977-1978; HC 157, 1986-1987). The appointment of the committee on Sittings of the House (the Jopling Committee) in the early 1990s demonstrates that the Procedure Committee has not always found success with its recommendations (although the Jopling Committee hardly fared any better, as the House took over two years to adopt only a select few of its proposals (Seaward and Silk 2004:150)). The Procedure Committee has also examined the legislative process (HC 538, 1970-1971; HC 49, 1984-1985). The latter of these two reports examined the case for legislative programming, recommending that the House establish a legislative business committee to introduce timetables for bills. Both government and opposition were hostile to this proposal, because it placed power into the hands of parliamentarians rather than the usual channels. Their thwarting of this plan subsequently provoked much criticism from the committee (HC 324, 1985-1986). Its approach to these, and other, matters has arguably been somewhat haphazard and irregular, particularly in comparison with that of the Modernisation Committee, which has repeatedly returned to these issues to forge a way forward. Clearly, having the Leader of the House at the helm of the Modernisation Committee has helped ensure that such matters are not abandoned in the face of House disagreement.

The Procedure Committee was also intimately involved with the establishment of the departmental select committee system in 1979 (HC 588, 1977-1978). Its assessment of those committees in 1990 (HC 19, 1989-1990) concluded that the system generally was working well, despite clear evidence to the contrary (Judge 1992). In this respect, there are similarities with the

view of the Modernisation Committee, which failed to look at this particular aspect of House functioning until Robin Cook took over in the chair in 2001.

In terms of securing changes that predominantly benefit the government, such as legislative programming, the Modernisation Committee has proved a somewhat more useful vehicle than has the Procedure Committee. The position of the Leader of the House within the Modernisation Committee, most particularly in terms of setting its agenda, is undoubtedly valuable. However, just as the Procedure Committee has in the past found it difficult to overcome the partisan environment of the Commons in order to secure change, so too has the Modernisation Committee. Although the Modernisation Committee has made changing House sitting hours and consolidating legislative programming its own terrain since 1997, the Procedure Committee has nevertheless become involved in both these matters when the Modernisation Committee struggled to secure consensus. In this respect, it is possibly inaccurate to say that one committee has usurped the other. Indeed, the inclusion of the chairman of the Procedure Committee in the membership of the Modernisation Committee since its inception suggests that there is more of a pooling of resources in evidence, as opposed to an institutional turf war. However, the Procedure Committee chairman, Nicholas Winteron, has persisted in expressing his concern about the Modernisation Committee's handling of a number of issues. Legislative programming has been a particular focus of Winteron's, and he has continually called for a review of its operation (HC Debs., 27 January 2005, vol.430, col.463). Nevertheless, the extent to which the Modernisation Committee can be viewed as a government-driven version of the Procedure Committee, given its chairmanship by a government minister, does indicate a certain muddying of the waters in terms of House of Commons procedure. What is quite clear, however, is that the Modernisation Committee, dominated (as are all select committees) by MPs of the governing party and,

crucially, chaired by a government minister, is a vastly superior tool for promoting and securing procedural modernisation than is the Procedure Committee.

The values underpinning the modernisation project

The role of the Leader of the House inside the Modernisation Committee, coupled with the evidence that the Committee has assumed pre-eminence over several important issues previously the preserve of the Procedure Committee, demonstrates that government has been driving the modernisation project since 1997, and that the purposes of modernisation are to consolidate further the position of government inside the Commons. These two points serve to illuminate the values that have underpinned the modernisation project since the New Labour government was returned to power.

Shortly after its inception, Conservative MP Robert Jackson pointed to a trend of equating modernisation with the removal of antiquated practices, arguing that '[d]oing away with such things might become a compensation for a real lack of radicalism' (HC Debs., 4 June 1997, vol.295, col.503). The uncertainty over the specific meaning of the term 'modernisation', and the extent of any 'radicalism' it might encompass, highlights the contested nature of the modernisation project, and the value of the goals that it has pursued.

The terms of reference of the Modernisation Committee, noted earlier, are rather vague on the aims of modernisation. The first report from the committee indicated that it had been appointed 'to consider how the practices and procedures of the House should be modernised' (HC 190, 1997-1998), but did not attempt to explore the meaning of the term 'modernisation' in any detail. A subsequent report went somewhat further, indicating that the aim of modernisation was to enable 'the House and its Members to work more effectively and more efficiently' (HC 600, 1997-1998; para.1). However, the Modernisation Committee has failed to acknowledge the

important distinctions to be made between these two goals of effectiveness and efficiency. It is a distinction that goes directly to the heart of the modernisation debate. Both efficiency reforms and effectiveness reforms are concerned with the nature of the relationship between the executive and the legislature. However, both also take a somewhat different view of the nature of that relationship, and, consequently, of the kinds of reform that are required in the House of Commons.

Efficiency reforms involve maximising the outputs of the House of Commons by using the minimum of resources. This leads to two rather different dimensions of efficiency, which neatly intertwine. First, efficiency reforms may be concerned with streamlining the workings of the Commons. This streamlining might, for example, involve changes to the sitting hours of the House, something that has formed the backbone of the modernisation project since 1997. This dimension of reform seeks to secure the efficient functioning of the House as a whole, and to ensure that MPs are managing available resources efficiently. Second, efficiency reforms may be designed to ensure that government business progresses through the Commons as quickly as possible. The aim is to expedite the business of government and remove any perceived undue hindrance to the progress of legislation. Since 1997, legislative programming has constituted the Modernisation Committee's main attempt to ensure that government business is secured expeditiously. These two strands of efficiency reform – streamlining and expediting – complement each other. Governments wishing to ensure that their legislative programme is approved by parliament expeditiously will also be interested in ensuring that the Commons is a streamlined chamber, and vice versa.

The arguments in favour of effectiveness reforms, by contrast, adopt a somewhat different view of the relationship between executive and legislature. Reforms geared towards enhancing the effectiveness of the House of Commons will favour strategies that alter the institutional

context within which the Commons operates, a context that is predisposed towards the goals of the executive. These reforms will aim to alter the dominant value system inside the Commons, a system that reflects an executive mentality and its preservation through partisanship (Judge 1993, Flinders 2002). The aim of effectiveness reforms is to secure a context within which the House of Commons can engage in more rigorous executive scrutiny and thus hold the government to account more fully. Such reforms may also aim to reduce the effects of partisanship in the Commons. Effectiveness reforms are therefore mainly concerned with re-balancing executive-legislative relations. However, they may also seek to address the relationship between parliament and the public, given parliament's role in legitimating the actions of government. Such reforms may be geared towards improving the linkage mechanisms provided by parliament. It may therefore be useful to think of these types of reform as concerned with scrutiny effectiveness and representational effectiveness.

The two different kinds of reform – efficiency and effectiveness – do not occupy categories such as 'good' or 'bad'. No such judgements are intended here. Furthermore, the pursuit of particular kinds of efficiency reform may even contribute to an increase in the perceived effectiveness of the chamber, and vice versa. The two categories are not necessarily mutually exclusive. The two different perspectives on reform – efficiency and effectiveness – are nevertheless useful indicators of how different individuals or groups perceive the purpose of parliament in general, and the House of Commons in particular. Those who favour effectiveness reforms may generally be described as favouring a more 'proactive' Commons. These reform advocates may argue that, while the Commons should not presume to usurp executive functions, it should nevertheless enjoy a greater role in scrutinising government, on account of its representative and legitimisation functions. By contrast, those who favour efficiency reforms may generally be described as largely content with the current role of the House of Commons. These

reform advocates may be much more interested in ensuring that governments can be assured of securing their legislative programmes expeditiously. Simultaneously, they may believe that streamlining the procedural efficiency of the House will be beneficial not only to MPs, but also ensure the smooth operation of the Commons as a legislative machine.

At first glance, the term ‘modernisation’ seems to fit best with the streamlining aspect of the efficiency-type reforms, which might conceivably include updating antiquated procedures and changing the working hours of the House. However, the vague definition offered by the Modernisation Committee means it can also easily be interpreted as involving the second dimension of efficiency, relating to the expediting of government business. Tony Wright highlighted this definitional ambiguity in a Commons’ debate in May 2002:

When we talk about modernising Parliament, I get rather uneasy, as modernisation can mean different things. It can mean allowing the Executive to have an easier life and to get their business through in a more straightforward way, as well as tidying up some of the untidy bits of how this House operates, including things that I like, such as ensuring that we get home earlier at night. (HC Debs., 14 May 2002, vol.385, cols.685-6).

However, a March 1998 report from the Modernisation Committee also indicated its intention to examine potential improvements to the effectiveness of the House (HC 600, 1997-1998; para.1). As Tony Wright noted, efficiency improvements ‘are important matters’ but they do not ‘go to the heart of the constitutional issue’ surrounding the drift of power away from parliament and towards the executive (HC Debs., 14 May 2002, vol.385, cols.685-6). This does not mean that the two types of reform cannot proceed together. However, the different emphases do suggest that a desire to enhance the efficiency of the Commons might mitigate the extent to which one might also wish to improve the effectiveness of the Commons. Indeed, the extent to which the term ‘modernisation’ is itself synonymous with the goals of efficiency reforms raises questions about

the synchronicity between the priorities of the Modernisation Committee and those of government, and whether or not its remit extends to include the kind of effectiveness reforms outlined here.

That there is a tension between the efficiency and effectiveness dimensions of reform is quite clearly evidenced in the work undertaken by the Modernisation Committee. Most of the committee's reports have focused on the efficiency dimension of reform, with substantially less attention paid to the goal of securing a more effective House of Commons. Table 2 places each Modernisation Committee report under the heading of effectiveness or efficiency respectively. Exploration of the progress of sitting hours changes and the securing of legislative programming in particular underlines the way in which 'modernisation' speaks volumes about the bifurcated conceptualisation of the House of Commons and its relationship with government.

Streamlining procedures – modernising House sitting hours

Despite early indications during Commons' debates that the parliamentary calendar and sitting hours were ideal issues with which the Modernisation Committee could engage, the topic has nevertheless provoked considerable controversy amongst MPs. The first report on this issue (HC 60, 1998-1999) recommended that the House approve proposals made to the committee by the government for changes to sitting hours. These largely involved the House sitting and rising earlier on Thursdays, with associated changes to the times when standing committees met. The report noted that if these did not meet with approval, then the House could then consider the committee's own, slightly different plans. During the Commons' debate on the recommendations, there was much argument regarding the role of the government in their formulation. Nicholas Winterton, a Conservative member of the Modernisation Committee, speculated that, 'is not one of the problems facing the House the fact that this is a House of Commons matter, yet we are

considering Government proposals?’ (HC Debs., 16 December 1998, vol.322, col.1000). The Conservative committee member George Young added that ‘any Select Committee, and particularly the Modernisation Committee, will want to develop its own agenda and not just accept the Government’s’ (HC Debs., 16 December 1998, vol.322, col.1001). This controversy continued after the approval of the government-sponsored changes, demonstrated by the continuation of the Thursday changes on an experimental basis only (HC 719, 1998-1999; HC 954, 1999-2000), and by the division over the merits of the changes both within the Modernisation Committee (HC Debs., 25 October 1999, vol.336, col.742) and in the House more generally (HC Debs., 20 November 2000, vol.357, cols.30-31).

Further sitting hour changes were proposed in 2002, this time recommending that the House sit and rise earlier from Tuesday to Thursday (HC 1168, 2001-2002). These again came under sustained criticism, with Shadow Leader of the House, Eric Forth, casting doubt on ‘whether what the Government – thinly cloaked as the Modernisation Committee on this occasion – propose will make the House of Commons more effective in scrutinising the Government and holding them to account’ (HC Debs., 29 October 2002, vol.391, col.706). In this instance, the House only narrowly accepted the Thursday changes, and criticism continued to be voiced, most notably through an Early Day Motion that attracted 243 signatures (EDM 262, 2003-2004). The Procedure Committee entered the fray to examine the matter, and recommended a reversion to previous hours on Tuesdays (HC 491, 2003-2004), while another Modernisation Committee report recommended that the House to sit earlier on Thursdays, in order ‘to restore [it] to a full sitting day’, and to give the standing committees more scope to do their work (HC 88, 2004-2005; paras.4-6). In the event, in January 2005, the Commons voted to support the recommendations of both the Procedure and Modernisation Committees, by resolving that Tuesday hours revert back to 2.30pm-10.00pm, and that the House sit earlier on Thursdays. Some

reformers bemoaned what they perceived to be a step backwards in the modernisation project, with Labour MP Helen Jackson announcing her intention to stand down at the next election on account of the changes (*The Guardian*, 3 February 2005).

The debate over sitting hours highlights the difficulties the Modernisation Committee has experienced in securing consensus in a deeply partisan Commons' environment, and amidst criticisms that it is simply implementing the government's agenda. A Conservative member of the All-Party Group for Parliamentary Reform expressed extreme scepticism about the way in which the Modernisation Committee had engaged with sitting hours change:

I think there has been an unfortunate confusion between the very clear fact that our hours and our procedures are not in the current parliament family friendly – I think there's been a confusion between a reasonable desire to try to change that, and some of the steps which have been taken ... which actually don't necessarily make parliament that much more family friendly, do make the hours shorter, and which certainly constrains the ability of parliament to do its job. (interview, 14 May 2002)

Changes to sitting hours are of benefit to both government and parliament. However, the criticisms made by MPs suggest that alterations since 1997 have been largely geared towards creating an efficient parliament designed in the interests of government. Several Conservative and Liberal Democrat MPs in interview expressed their belief that one of the main motivations behind the sitting hour changes in 2002 was to ensure Labour MPs would have ample time in their constituencies shoring up the Labour vote (interviews, 14 May 2002). Of course, MPs from other parties gain the same advantages from these alterations. Nevertheless, the extent of the controversy over the sitting hours changes demonstrates just how politicised and antagonistic these procedural matters are, even when there seems to be a majority in favour of change. In addition, government involvement in shaping the work of the Modernisation Committee also helps illuminate the political motivations behind modernisation.

Expediting government business – legislative programming

Of all the efficiency reforms proposed by the Modernisation Committee, perhaps none has provoked more criticism than has legislative programming. The committee's first report recommended the adoption of legislative programming as a means to increase the expeditious dispatch of government business (HC 190, 1997-1998; paras.57-66). The committee admitted that the issue was 'emotive and contentious', and that there would always be 'political considerations' involved in the handling of bills (paras.57-58). However, the report maintained that a way could be found between the informal usual channels and the more rigid guillotine. The concept of legislative programming certainly had precedents, most notably in a Hansard Society report on the legislative process (Hansard Society 1993), in Procedure Committee recommendations for a business committee (HC 49, 1984-1985), and also formed part of the 1992 Jopling Committee proposals (HC 20, 1991-1992). Yet the Modernisation Committee rejected these approaches as inflexible, favouring instead the use of programme motions negotiated through the usual channels, and ultimately set by government (HC 190, 1997-1998; para.89).

Modernisation Committee reports on legislative programming, and subsequent Commons' debates on the matter, have revealed deep disagreements regarding the way that programming operates and the motives of the committee in supporting it. Although Commons' debates illustrate that there was initially cautious cross-party support for the principle of programming (e.g. HC Debs., 13 November 1997, vol.300; 9 March 1998, vol.308), the way that programming has functioned in practice has caused much of that support to seep away.

The committee's report of July 2000 (HC 589, 1999-2000), which outlined suggestions for improving and expanding legislative programming, did not enjoy unanimous support from the committee members. Conservative member George Young proposed a dissenting report on that

occasion, which argued that the programming motions ‘make it yet easier for Government to get its legislative programme through the House and, in so doing, lessen rather than encourage proper and adequate scrutiny’ (HC 589, 1999-2000; dissenting report, para.3). The report expressed concern that the Modernisation Committee was pursuing the goal of creating an efficient House at the expense of creating an effective House, and that legislative programming did not assist in tilting the terms of trade between parliament and executive back towards parliament (para.3). It recommended that the House (or at least the opposition) have more control over the programming process. The signatories to the dissenting report were all Conservative MPs, demonstrating the partisanship provoked within the Modernisation Committee with regards to legislative programming. This partisanship spilled over into the Commons’ debate on the report, in November 2000, which was further antagonised by a government business motion to limit the length of time available for the debate. On this point, the Shadow Leader of the House, Eric Forth, declared that ‘the Government, in the guise of the Modernisation Committee – for this purpose the two are identical – have decided to assault the House of Commons’ (HC Debs., 7 November 2000, vol.356, col.173). George Young added that ‘the Opposition do not have many weapons, and the report invites us to put some of them beyond use, while the Government sit on their substantial arsenal’ (col.255).

An April 2001 report from the committee outlined further changes to improve legislative programming, and again included a dissenting report criticising the way programming operated (HC 382, 2000-2001). Despite attempts in a September 2002 report to diffuse the situation (HC 440, 2001-2002), a report of October 2003 indicated that confrontation had nevertheless continued, but insisted that ‘programming is here to stay’ (HC 1222, 2002-2003; para.28). Two Conservative committee members again attached a dissenting report, which argued that, as a

consequence of the programming procedure, guillotining of bills had become the norm, and consultation the exception.

Just as the Procedure Committee stepped in to examine sitting hours, it also stepped into the legislative programming fray. Its report of July 2004 noted that ‘considerable disquiet remained about the way the system operated and how that differed from what had been initially intended’ (HC 325, 2003-2004; para.8). The Procedure Committee acknowledged that, if programming was to work, a point of consensus had to be found between quite different views of the legislative process, as highlighted in the oral evidence the committee collected. Shadow Leader of the House, Eric Forth, for example, argued that it was ‘of the utmost importance for the effectiveness of the [legislative] process that it is the opposition which essentially has the dominant hand in determining how much time will be spent in committee’ (HC 325, 2003-2004; Q.87). Labour Modernisation Committee member, Barbara Follett, by contrast, held the view that a more efficient method had to be found for securing legislation and preventing the excessive time often spent in standing committee (HC 325, 2003-2004; Q.88). In addition, although the Procedure Committee heard much support in favour of a legislative business committee, Leader of the House Peter Hain made his objections to such a proposal emphatically clear (HC 325, 2003-2004; Q.235). Despite the reservations expressed by the Procedure Committee, the Commons later approved measures to incorporate programming into permanent standing orders, although it did so on strictly partisan lines (HC Debs., 26 October 2004, vol.425).

The process of adopting legislative programming highlights the bifurcated conceptualisation of the role of the Commons and its relationship with the executive. As it is the Leader of the House who is in charge to securing the government’s legislative programme, he or she also has a clear stake in consolidating a system of legislative programming that ensures bills emerge from the legislative process at specific, and pre-arranged times, thus restricting the scope

for opposition and delay. By contrast, and not surprisingly, opposition members consistently argued, both inside the Modernisation Committee and in the chamber, that it was a fundamental duty of the Commons, through the opposition, to impose a degree of delay on bills, and that the government simply could not assume it should always secure its legislation with minimal interference from the House.

The effectiveness of the House of Commons and the marginalisation of reform

That there is a clear bifurcation in the way in which the House of Commons and its role is perceived is further reinforced when the volume of efficiency reforms pursued since 1997 is compared with the volume of effectiveness reforms.

Only three reports from the Modernisation Committee have been concerned with the need to enhance the effectiveness of the House of Commons in terms of its executive scrutiny capabilities. A 1998 report outlined ways that the Commons could improve its scrutiny of European business (HC 719, 1997-1998). Despite the obvious need for more work in this area, it was a topic to which the committee did not return until 2004, resulting in a report published in March 2005 (HC 465, 2004-2005). The only other notable work from the committee on the subject of improving the effectiveness of the Commons was its 2002 report on proposals to reform the departmental select committee system. That particular episode has been thoroughly examined elsewhere (Kelso 2003), but perhaps the main point is that the Modernisation Committee was reluctant to recognise the need for alterations to the operation of the select committee system. The committee only engaged with the issue after considerable attention had been brought to bear on the matter by the Liaison Committee, the Procedure Committee and MPs themselves, particularly following an incident in 2001 concerning the selection of select committee members (Kelso 2003:58-62). The Modernisation Committee has been barely reactive

to the effectiveness failings of the Commons, let alone proactive. The committee's eventual proposals to reform the select committee system (HC 224, 2001-2002) did attempt to tackle some of the issues that were at the heart of the imbalance in executive-legislative relations (Kelso 2003:62-3). While a number of the proposals were accepted by the Commons in May 2002, such as core duties for select committees, the most important aspects of the reform package were defeated, such as those aimed at removing whip influence from the committee member selection process (Kelso 2003:66-71). The episode underlines the difficulties faced by the Modernisation Committee when engaging with effectiveness reforms that attempt to alter the influence of the executive and of partisanship on the operation of the House of Commons. These difficulties necessarily raise questions about the utility of the Modernisation Committee as an agent for effective parliamentary reform, and where this leaves the committee's stated desire to improve the effectiveness of the Commons. It is also worth briefly noting that the creation of Westminster Hall as an additional forum for House business does not qualify here as an effectiveness reform. Although providing an opportunity for debating select committee reports, for example, these necessarily take place in a less partisan environment, with a small attendance, and where the reputation of the government is absolutely not at stake. As Westminster Hall cannot provide the kind of forum where rigorous parliamentary scrutiny takes place, it does not form part of any effectiveness reform, and instead acts as a streamlining measure, channeling work away from the main chamber.

The Modernisation Committee has only recently examined the representational effectiveness of the House of Commons. Its report on connecting parliament with the public is laudable (HC 386, 2003-2004), but its recommendations read more as an effort at public relations, rather than a concerted attempt to improve the basis on which parliament relates to the electorate. The suggestions made barely grasp the nettle of disengagement from traditional

political institutions, such as parliament, and the committee's attempt to engage with modernisation in this area leave a lot to be desired.

Conclusion

The relative paucity of recommendations aimed at enhancing the effectiveness of the House of Commons, particularly in terms of its ability to scrutinise the executive, reveals much about the driving force behind the Modernisation Committee. Its focus on sitting hours and on legislative programming indicate that the committee has been primarily concerned with securing an efficient House of Commons, which is as streamlined as possible, and which facilitates the expeditious dispatch of government business, both of which have clear benefits for the party in power. Moves towards both these conditions have not always been easy, and the contradictory interpretations held by MPs regarding the best sitting hours arrangements have, at least for the time being, resulted in something of a compromise between early and late sittings of the House. In terms of legislative programming, however, there is no question that with the Modernisation Committee returning repeatedly to the issue, the government has secured a process that bestows a greater degree of certainty onto the legislative process.

Analysis of the emphasis of the modernisation project since 1997 demonstrates the bifurcation that exists between the various interpretations of the purpose and role of the House of Commons. Criticism of the focus of the Modernisation Committee, coupled with the relatively few recommendations made to enhance House effectiveness, highlight the existence of a viewpoint that prioritises the reform of the Commons into a chamber that can better hold the executive to account. This approach not only contrasts with that of the Modernisation Committee, but also underlines that the committee has largely been a creature of government, particularly given that it is chaired by the Leader of the House, and that the committee has therefore pursued

modernisation that benefits government far more than the Commons. The nature of the sitting hours changes, and particularly the nature of legislative programming, suggest that the Modernisation Committee exists to shape House procedures so that they are of most benefit to the government, rather than to the Commons, not least in its task of holding the executive to account. In the final analysis, the government needs the Modernisation Committee far more than does the House of Commons, and can use it to better effect than it ever could the Procedure Committee. So long as modernisation continues to be synonymous with the goal of fashioning the most efficient chamber possible, then the Modernisation Committee is likely to persist as a government-driven feature of the parliamentary landscape.

Table 1 – The Efficiency and Effectiveness Proposals of the Modernisation Committee

Efficiency Proposals

Streamlining

Explanatory Material for Bills (HC 389, 1997-1998)
Conduct in the Chamber (HC 600, 1997-1998)
Consultation Paper on Voting Methods (HC 699, 1997-1998)
Voting Methods (HC 779, 1997-1998)
The Parliamentary Calendar: Initial Proposals (HC 60, 1998-1999)
Sittings of the House in Westminster Hall (HC 194, 1998-1999)
Thursday Sittings (HC 719, 1998-1999)
Facilities for the Media (HC 408, 1999-2000)
Thursday Sittings (HC 954, 1999-2000)
Sittings in Westminster Hall (HC 906, 1999-2000)
Modernisation of the House of Commons: A Reform Programme (HC 1168, 2001-2002)*
Sitting Hours (HC 88, 2004-2005)

Expediting

The Legislative Process (HC 190, 1997-1998)
Carry-Over of Public Bills (HC 543, 1997-1998)
Programming of Legislation and Timing of Votes (HC 589, 1999-2000)
Programming of Legislation (HC 382, 2000-2001)
Programming of Bills (HC 1222, 2002-2003)

*This report contained both streamlining and expediting aspects.

Effectiveness Proposals

Scrutiny Effectiveness

The Scrutiny of European Business (HC 791, 1997-1998)
Select Committees (HC 224, 2001-2002)
Scrutiny of European Business (HC 465, 2004-2005)

Representational Effectiveness

Connecting Parliament with the Public (HC 368, 2003-2004)

Table 2 – Leaders of the House, 1997 – 2005

	<u><i>Term of Office</i></u>
Ann Taylor	May 1997 – July 1998
Margaret Beckett	July 1998 – June 2001
Robin Cook	June 2001 – March 2003
John Reid*	March 2003 – June 2003
Peter Hain	June 2003 - present

* Given his short time in the job, John Reid is not discussed in terms of his modernisation focus while Leader of the House.

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